IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 7291 of 2005

Between:

1 Smt. Kamala Devi, W/o. Late R. Sesha Rao,
R/o. Janapriya Mahanagar,' Meerpet, Hyderabad.

2 Raya Rao Ranga Rao, S/o. R. Kishan Rao,
R/o. Nallavally Village, Medak District.

..... PETITIONERS

AND

1 The Revenue Divisional Officer, Medak District.
2 The District Collector, Medak District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue appropriate direction or order more in the nature of Writ of Certiorari, declaring the impugned proceedings issued by the respondent No.1 dated 7/1/2005 in No. H/3062/2003 in respect of the Petitioners herein is arbitrary, illegal and without jurisdiction and pass such other order or orders.

Counsel for the Petitioner: MR.G.ANJAPPA

Counsel for the Respondents: GP FOR REVENUE

This Court at the admission stage made the following :

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O R D E R:

This writ petition is filed aggrieved by the proceedings dated 07-01-2005 issued by the first respondent, the Revenue Divisional Officer, under which the Ryotwari certificates issued in favour of the petitioners and three others vide proceedings dated 13-08-2004 in respect of different extents of land situated in Survey No.155 of Hanmanthapur Village were cancelled with a further direction that the Ryotwari certificate shall be issued in the name of Sri Venugopalaswamy temple.

In the impugned proceedings it was mentioned that on verification of Setwar of Hanmanthapur village, it was noticed that the land in Survey No.155 admeasuring Ac.45-33 guntas was recorded in the name of Sri Venugopalaswamy temple and the same was also entered in Pahani. However, there was a tampering and the name of Sri Venugopalaswamy temple in pattadar column was deleted and the name of one Mafi Inam was recorded. Thus, it was concluded that the land in question belongs to temple and accordingly it was ordered that Ryotwari Certificates granted earlier shall stand cancelled and the Ryotwari certificate shall be issued in the name of Sri Venugopalaswamy temple. The said proceedings are challenged in this writ petition primarily on the ground that the petitioners were not afforded any opportunity to rebut the allegations, before passing the impugned proceedings.

The learned Government Pleader, under instructions, conceded that before passing the impugned proceedings dated 07-01-2005, no notice was issued to the petitioners.

In the circumstances, the impugned proceedings which are in violation of the principles of natural justice cannot be sustained and therefore, on that ground alone the same are liable to be set aside.

Accordingly, the impugned proceedings dated 07-01-2005 are set aside and the writ petition is disposed of leaving it open to the first respondent, the Revenue Divisional Officer, to pass appropriate orders afresh, in accordance with law, after issuing due notice to the petitioners and all other persons concerned including Sri Venugopalaswamy temple. No costs.

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(**G. ROHINI, J**)

Date: 06-04-2005

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To

1 The Revenue Divisional Officer, Medak District.

2 The District Collector, Medak District.

3 Two CCs to the Government Pleader for Revenue, High Court of A.P., Hyderabad. (O.U.T.)

4 Two CD copies.